

Article - Public Utilities

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§5–403.

(a) This section applies to a domestic or foreign corporation that is or may become engaged in the business of transmitting or supplying natural gas, artificial gas, or a mixture of natural and artificial gases.

(b) Subject to subsection (c) of this section, a corporation described in subsection (a) of this section may acquire by condemnation, in accordance with Title 12 of the Real Property Article, rights-of-way or easements necessary to lay, construct, modify, repair, maintain, operate, and remove pipelines and appurtenances to pipelines for transmitting and supplying gas.

(c) (1) Except as provided in paragraph (2) of this subsection, a corporation may not condemn rights-of-way or easements under subsection (b) of this section unless the corporation:

(i) 1. transmits gas directly to local consumers in the State along the corporation's proposed rights-of-way; and

2. offers to contract with those local consumers to supply them directly with gas on terms and conditions subject to the approval of the Commission; and

(ii) has certified to the State Department of Assessments and Taxation the name and address of a resident agent of the corporation in the State, service of process on whom shall bind the corporation until the appointment of a substitute is certified to the State Department of Assessments and Taxation.

(2) Paragraph (1) of this subsection does not affect the right of a corporation that was transmitting natural gas, artificial gas, or a mixture of natural and artificial gases for public use through one or more pipelines in the State on or before June 1, 1931, to condemn for public use necessary rights-of-way or easements for:

(i) a pipeline or appurtenances to a pipeline in use on or before June 1, 1931;

(ii) any incidental relocations of a pipeline or appurtenances to a pipeline in use on or before June 1, 1931; or

(iii) any additional pipelines or appurtenances to pipelines along and on the same routes or along and on any incidental relocations of a pipeline or appurtenances to a pipeline in use on or before June 1, 1931.

(d) This section does not affect the application of any provision of this article that applies generally or specifically to a corporation that is or may become engaged in the business of transmitting or supplying natural gas, artificial gas, or a mixture of natural and artificial gases.

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